

JOHN RICHARD LOVE et. al.,

Plaintiffs,

v.

SOUTHERN TRUST MORTGAGE LLC,

Defendant.

THIS MATTER is before the Court on “Defendant’s Motion for Leave to File First Amended Counterclaim” (document #19) filed December 30, 2021. Plaintiffs have filed a “Motion to Dismiss ... Counterclaim” (document #14) and “Motion to Strike ... Counterclaim” (document #16), both filed December 16, 2021.

Rule 15 of the Federal Rules of Civil Procedure governs amendments to pleadings. Rule 15(a)(1) grants a party the right to “amend its pleading once as a matter of course,” if done within twenty-one days after serving the pleading, Fed. R. Civ. P. 15(a)(1)(A), or “if the pleading is one to which a responsive pleading is required,” a party may amend once as a matter of course, provided that it does so within “21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.” Fed. R. Civ. P. 15(a)(1)(B). The Rule further provides that leave to amend shall be freely given “when justice so requires.” *Id.*

Defendant filed its Motion for Leave to Amend within twenty-one days of the filing of Plaintiffs' Motions. Accordingly, the amendment is as a matter of course. Defendant's Motion is granted.

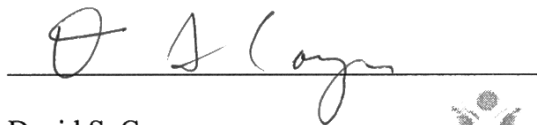
It is well settled that an amended pleading supersedes the original pleading and that motions directed at superseded pleadings are to be denied as moot. Young v. City of Mount Ranier, 238 F. 3d 567, 573 (4th Cir. 2001) (amended pleading renders original pleading of no effect); Turner v. Kight, 192 F. Supp. 2d 391, 397 (D. Md. 2002) (denying as moot motion to dismiss original complaint on grounds that amended complaint superseded original complaint).

IT IS THEREFORE ORDERED that:

1. “Defendant’s Motion for Leave to File First Amended Counterclaim” (document #19) is **GRANTED**. Defendant shall file its First Amended Counterclaim within five days of this Order.
2. Plaintiffs’ “Motion to Dismiss ... Counterclaim” (document #14) and “Motion to Strike ... Counterclaim” (document #16) are administratively **DENIED** as moot without prejudice.
3. The Clerk is directed to send copies of this Order to counsel for the parties and to the Honorable Frank D. Whitney.

SO ORDERED.

Signed: January 21, 2022

A handwritten signature in black ink, appearing to read "D S Cayer", is written over a horizontal line.

David S. Cayer
United States Magistrate Judge

